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15
16 UNITED STATES DISTRICT COURT
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18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN JOSE DIVISION

20 NATIONAL URBAN LEAGUE, et al.,
21
22 Plaintiffs,
v.
23 WILBUR L. ROSS, JR., et al.,
24 Defendants.

CASE NO. 5:20-cv-05799-LHK

**DECLARATION OF DIANE
KELLEHER**

Place: Courtroom 8
Judge: Hon. Lucy H. Koh

1 I, Diane Kelleher, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

- 2 1. I am an Assistant Branch Director of the Federal Programs Branch, an office
3 within the Civil Division of the United States Department of Justice. I joined the
4 Department of Justice in 2000 as a Federal Programs Branch trial attorney.
5 Previously I worked for several years at the law firm of Davis Polk & Wardwell
6 LLP, and before that I served as a law clerk for a federal district court judge in the
7 District of Massachusetts. In 2013, I was promoted to the position of Assistant
8 Branch Director, a career civil-service position, within the Federal Programs
9 Branch. My direct supervisor is one of three Federal Programs Branch Directors,
10 Alexander K. Haas, who also is a career federal civil servant.
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- 12 2. The principal responsibility of the Federal Programs Branch (“the Branch”) is to
13 defend civil actions in federal district court in which the legality of Federal
14 Government programs, policies, and decisions is challenged. The Branch
15 represents the Government in the above-captioned case. I am one of two
16 Assistant Branch Directors who supervise the Branch attorneys working on this
17 matter.
18
- 19 3. I make this Declaration on behalf of the Defendants in the above-captioned matter
20 based on my personal knowledge and information provided to me in the course of
21 my official duties, including the information provided in the Declaration of
22 Megan Heller, which is being filed contemporaneously.
23
- 24 4. I make this Declaration in support of Defendants’ response to the Court’s Order of
25 January 11, 2012 (ECF 444), in which the Court ordered a declaration to attest to
26 the production of documents from Census Bureau custodian Enrique Lamas.
27
- 28 5. Emails from Mr. Lamas were collected in the manner described in Ms. Heller’s

1 Declaration dated January 12, 2020, and then searched using specified search
2 terms. *See* Heller Decl. ¶¶ 8, 10, 12-14, 16-18. Defendants produced emails from
3 Mr. Lamas from the time period of May 11, 2020 to December 16, 2020, on
4 December 31, 2020, and January 12, 2021. *See id.* ¶ 18.

5
6 6. Emails from Mr. Lamas from the time period of December 16, 2020 to the end of
7 his service at the Census Bureau are being prepared for processing and
8 production. *See id.* I understand that Mr. Lamas retired from federal service on
9 or about January 1, 2021, and Defendants do not anticipate the need to conduct
10 any additional collections of his emails. *See id.*

11 7. To the extent any of Mr. Lamas's emails are involved in Defendants' privilege
12 screening efforts, Defendants will address any such documents in accordance with
13 the Court's January 11, 2021 order.
14

15 I swear under penalty of perjury that the foregoing is true and correct to the best of my
16 knowledge, information, and belief.

17
18 Executed on January 12, 2021.

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21 _____
22 DIANE KELLEHER
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